

GTLL's Open Letter to European Commission and IDABC

To : Mr Siim Kallas, Vice-President of European Commission and Garcia-Moran, Director General, DIGIT, European Commission

Copy to: Karel De Vriendt, Head of IDABC unit, DIGIT, European Commission

Object: System@tic Free / Open Source Software Thematic Group's Open Letter about IEF2 and Open Standards

Paris, 23 November 2009

Dear Commissioner Kallas, Mr Garcia-Moran,

on behalf of the members of the System@tic Free / Open Source Software Thematic Group Consortium, also called GTLL, we would like to salute the work done by IDABC in the past to effectively promote interoperability and data exchange between Public Administrations. By clearly recognizing the central role that Open Standards play in interoperability, the definition of Open standards in the European Interoperability Framework version 1.0 has been essential for the education of the Public Administration, and in leveling the playing field for IT industry members when it comes to answering public tenders, fostering innovation and reducing vendor lock-in.

The System@tic GTLL Free / Open Source Software Thematic Group is a community of Industry and Academic players dedicated to developing the Free and Open Source ecosystem in the Greater Paris Region, one of the prominent ICT areas in Europe, through innovation. Established in 2007, GTLL has grown into a community of over 80 companies and academic organizations, already working on 17 collaborative R&D projects for a budget over 30 MEUR, with significant impact on the economy of the area.

Open Source, and even more, Open Standards and Interoperability, are essential to the GTLL ecosystem, which brings together brilliant researchers, talented SMEs and large industry players to develop innovative and useful software on top of open platforms and open services, for the benefit of science, industry and society. Open Source and Open Standards have allowed our members to develop common projects and to seal fruitful relationships with researchers, public administrations and industry players.

We understand that some stakeholders may prefer on certain occasions not to adhere to Open Standards, or not to use or produce Open Source: it's their right.

But it's also a fundamental right for all citizens, companies, administrations and organizations to know clearly whether a standard is an Open Standard or a proprietary one, whether a piece of software is Open Source or closed source, whether a vendor wants to ensure Interoperability or not, to make their decisions on an informed basis.

This might explain why our members are deeply shocked by the breaking news concerning the new version of European Interoperability Framework, that allegedly redefines Interoperability, Open Standards and Open Source in such a way that any closed source software using proprietary, undisclosed standards, may pass the test, thus making the very terms Interoperability and openness insignificant.

We strongly believe, as the recent history of the IT industry clearly shows, that Interoperability relies upon and requires a clear definition of Open Standards, and cannot be left to the good will of individual IT players. We also believe that Open Standards have to be defined in a way that doesn't attach strings, such as patents, to publicly available specifications, just as publishing one's software source code is not enough to qualify it as "open source". Standards

that can only be implemented by paying royalties to a patent owner or a patent pool, even under RAND conditions, don't qualify as Open Standards, and don't allow Interoperability in the sense that open source pure players, as well as freeware and shareware developers, are *de facto* prevented from implementing them.

As a producer of Open Source and as a consortium of Industry and Academy players, we consider that our common works could be seriously damaged by a vague definition of Interoperability not based on Open Standards, or by a definition of "Open Standards" that is not truly open, in the sense that some of the players in our ecosystem would be excluded from freely implementing those so-called "Open Standards" in their products, therefore reducing the interest of promoting Open Standards from the standpoint of technology consumers. More generally, we believe that society as a whole would suffer significant consequences from a lack of real Interoperability and Openness of IT technology.

The European Commission and IDABC have made up to now a very significant effort to make sure that the playing field in IT is level, and a significant factor in this success is their solid adherence to Open Standards, democratic procedures and the support of healthy competition in the market.

The change in the definition of openness allegedly present in version 2 of the EIF seriously damages these factors, paving the way for monopolies and oligopolies with a potentially devastating outcome for the European software industry.

Please be assured that the GTLL members, some of them being themselves producers of non open source products on top of or in parallel to the open source software they are producing in the context of our group, are not asking for privilege rights for Open Source: it has already demonstrated its potential in terms of co-innovation, ease of development and time-to-market. But when it comes to Interoperability, our members need to be confident that the rules are clear and fair to all the stakeholders.

We hope that you will be quickly dispelling our fears, by publishing a version of the EIF that maintains the clear, unambiguous definitions of Interoperability, based on Open Standards that are truly open, present in EIF version 1.0, and we look forward to your answer.

Yours sincerely,

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